GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Endowments Department – Allegations of illegal registration of land covered in T.S.No.509 of Sri Mohana Ranganayaka Swamy Temple, Guntur in favour of third parties – Disciplinary action against Sri U.Rama Krishnam Raju, EO – Charge proved – Show Cause Notice – Representation - Punishment of 50% cut in pension permanently – Imposed under Rule 9 of A.P.Revised Pension Rules, 1980 – Orders – Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.RT.No. 654 Dated: 06-07-2017

Read the following :

1. Rc.No.B3/13514/1995, dt.06-12-1995 of DC, ED, Guntur.
2. Rc.No.B3/13514/1995, dt.20-02-1996 of DC, ED, Guntur.
3. Prog.Rc.No.V1/66530/1995, dt.20-11-1998 of CED.
4. Orders of Hon`ble APAT in OA No.6484/99, dt.17-11-1999.
5. Prog.Rc.No.V1/66530/1995, dt.12-10-2000 of CED.
6. Orders of Hon`ble APAT in OA No.6912/2000, dt.29-12-2000.
7. Prog.Rc.No.V1/66530/1995, dt.08-10-2001 of CED.
8. Orders of Hon`ble APAT in OA No.8734/2001, dt.19-12-2001.
9. Prog.Rc.No.V1/66530/1995, dt.27-03-2002 of CED.
10. Orders of Hon`ble APAT in OA.No.4706/02, dt.29-12-2006.
11. Appeal dt.4-2-2010 of Sri U.Rama Krishnam Raju, EO.
12. G.O.Rt.No.367, Rev (Vig.IV) Dept., dt.26-04-2010.
13. Govt.Memo No.5543/Vig.IV(3)/2010-2, dt.19-08-2010.
14. Orders of Hon`ble APAT in OA.No.5147/10, dt.11-10-2012.
15. Fresh Orders of Hon`ble APAT in OA No.5147/10, dt.3-2-2016.
16. Govt.Memo.No.5543/Vig.IV(1)/2010-3, dated 01-12-2016 (SCN)
17. Representation dt.20-12-2016 of Sri U.Rama Krishnam Raju, EO.
18. Govt.Letter No.5543/Vig.IV(1)/2010, dated 26-04-2017.
19. From the Secretary, APPSC, Lr.No.416/DC&C/1/17, dt.25-05-2017.

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O R D E R:

Whereas in the references 1st and 2nd read above, the Deputy Commissioner, Endowments Department, Guntur District has framed 13 charges against Sri U.Rama Krishnam Raju, former Executive Officer, Sri Mohana Ranganayaka Swamy Temple, Guntur for the irregularities noticed against him. In the regular inquiry, the Inquiry Officer has submitted the Inquiry Report on 19-09-1996 holding all 13 charges framed against him as proved. The Commissioner of Endowments, after examining the Inquiry Report, has imposed the punishment of reversion as temple clerk from the Executive Officer, Grade – III, vide reference 3rd read above. The Charged Officer has filed O.A.No.6484/99 contending that the disciplinary action was initiated against the Charged Officer without jurisdiction and the Commissioner has imposed the punishment without following due procedure. Andhra Pradesh Administrative Tribunal has allowed the OA and directed the Commissioner to pass fresh orders after following due procedure, vide reference 4th read above.

2. In pursuance the Commissioner of Endowments issued Show Cause Notice and after examining the representation of the Charged Officer dated 05-05-2000 again imposed a punishment of reversion to the post of Senior Assistant, vide reference 5th read above. Aggrieved by the above, the Charged Officer again filed another OA No.6912/2000 contending that he earlier worked as Senior Assistant, which is a temple post. Later he was appointed as Executive Officer, Grade-III, which is treated as a direct recruitment post, below which

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he cannot be reverted and further contended that the other contentions raised by him were not considered. The Tribunal in reference 6th read above had observed that there is no finding on the contentions raised by the Charged Officer, i.e., no suits have been filed on behalf of the temple for cancellation of sale deeds executed in favour of 3rd parties and directed the Commissioner of Endowments to pass speaking order, taking into consideration the various contentions raised by the Charged Officer. Accordingly, the Commissioner has passed speaking orders and imposed the punishment of compulsory retirement from service against Sri U.Rama Krishnam Raju, vide reference 7th read above.

3. Whereas, the Charged Officer filed another OA.No.8734/2001 raising similar contentions. The Tribunal has allowed the OA with a similar direction and set aside the proceedings of the CED, vide reference 8th read above. Accordingly, the Commissioner has again passed fresh orders and again imposed the punishment of compulsory retirement from service, vide reference 9th read above. Again the Charged Officer filed another O.A.No. 4706/2002 and the Hon`ble Tribunal has disposed it, vide reference 10th read above observing that it would acquire the jurisdiction only on the final orders passed by the Appropriate Authority, i.e., Government and directed the Charged Officer to file appeal before the Government. The Charged Officer has filed appeal before the Government on the punishment of compulsory retirement imposed against him, vide reference 11th read above.

4. The Government after examining the appeal filed by the Charged Officer with the material available on record, has modified the punishment of compulsory retirement imposed by the Commissioner of Endowments to that of reversion to the cadre of Senior Assistant, vide reference 12th read above. In the meantime the Charged Officer had retired from service on 30-04-2010 on superannuation. Further the suspension period of the Charged Officer has been treated as “Not on duty” vide reference 13th read above.

5. Aggrieved by the punishment imposed by the Government, Sri U.Rama Krishnam Raju, (CO) has filed OA No. 5147/2010. Andhra Pradesh Administrative Tribunal has allowed the OA, vide reference 14th read above, observing that the applicant was appointed as Executive Officer Grade-III by way of Direct Recruitment from the temple employees quota. It is a special provision that once the employee is appointed to a particular post, he should not be reverted to a post, lower than the post to which he was directly recruited. The Tribunal has finally set aside the punishment of revision to the post of Senior Assistant imposed by the Government and directed to extend the consequential benefits to the applicant. Against the Tribunal orders, Government have filed W.P.No.30110/2013 and the High Court, vide orders dt.19-03-2015, has remanded the matter to the Tribunal for fresh disposal in accordance with law.

6. Whereas the Tribunal has re-opened the matter and passed fresh orders vide reference 15th read above, observing that the original punishment of compulsory retirement from service would have entitled the Charged Officer for pension. But the reversion to the post of Senior Assistant has denied him the pensionary right. Even otherwise, the Charged Officer should not have been reverted to the post of Senior Assistant, ignoring his 15 years of long service in the cadre of Executive Officer Grade-III and any punishment in the cadre like withholding of increments, etc., should have been imposed against him. The Tribunal finally allowed the OA and set aside the punishment of reversion to the post of Senior Assistant, (imposed by the Government vide reference 12th read above) and the consequential order issued by Deputy Commissioner,

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Endowments, Guntur in Rc.No. B3/3383/2010, dated 30-04-2010 and remanded the matter back to the Government for fresh disposal and for passing orders with regard to the penalty keeping in view the observation made in the said orders, that there is no pecuniary loss to the Department, on account of the so-called misconduct of the applicant. The Tribunal further directed to impose any penalty other than the dismissal from service; removal from service, compulsory retirement and reversion.

7. Whereas in pursuance of the orders passed by the Tribunal in OA No. 5147/2010, Government have re-examined the matter and provisionally decided to impose a penalty of 50% cut in pension permanently against Sri U. Rama Krishnam Raju, under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 as all the thirteen charges framed against him are held proved and communicated the same to Charged Officer vide reference 16th read above to submit his representation. The Charged Officer has submitted representation vide reference 17th read above re-iterating the contents earlier stated and requested to drop further action against him.

8. Government have examined the matter in detail and decided to confirm the provisional decision to impose a punishment of 50% cut in pension permanently against Sri U.Rama Krishnam Raju, (now Retd.) as he has not put forth any new grounds for consideration. The concurrence of the A.P.Public Service Commission has been obtained in the reference 19th read above (copy enclosed).

9. Accordingly, Government hereby order to impose a punishment of 50% cut in pension permanently against Sri U.Rama Krishnam Raju, (now Retd.) under rule 9 of A.P.Revised Pension Rules, 1980.

10. The Commissioner, Endowments shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V. PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Sri U.Rama Krishnam Raju, former EO, Gr.III, Sri Mohana Ranganayaka Swamy Temple, Arundalpet, Guntur Town and District.
R/o.Kosuruvari Veedhi, Jinnuru (V), Poduru (M), West Godavari District.
through the Commissioner, Endowments Department, Andhra Pradesh, Gollapudi, Krishna District.

Copy to
The Commissioner of Endowments, Andhra Pradesh, Gollapudi, Krishna District.
The Regional Joint Commissioner, Endowments Department, Kurnool.
The Deputy Commissioner, Endowments Department , Guntur.
The Executive Officer, Sri Mohana Ranganayaka Swamy Temple, Arundalpet, Guntur Town & District.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER